

ESTTA Tracking number: **ESTTA288832**

Filing date: **06/09/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177234
Party	Plaintiff Cardinal Health 303, Inc.
Correspondence Address	Joseph R. Dreitler Bricker & Eckler LLP 100 S. Third Street Columbus, OH 43215-4291 UNITED STATES mtrue@bricker.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Mary R. True
Filer's e-mail	trademarks@bricker.com
Signature	/Mary R. True/
Date	06/09/2009
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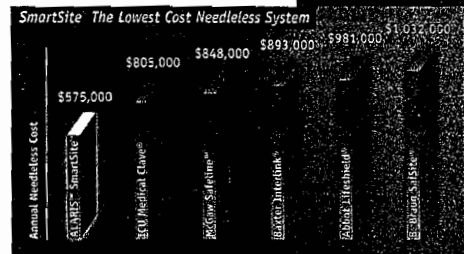


CHAL00226

*“Needle-stick injury
remains the most
DANGEROUS
exposure to blood
and body fluids.*”*

Each year about 800,000 needlesticks occur in the U.S., costing hospitals approximately \$640 million in counseling, testing and treatment!²

And some “sticks” are much more costly than others. By reducing the need for needles, The SmartSite™ needleless system makes life safer for caregivers... and less stressful for administrators.



Data Based on: 72 hour IV set change (used for cost analysis only. Consult product labeling and hospital protocol for appropriate set change policy). Utilization of 200 IV infusion pumps. 3 accesses/day for pump & gravity set applications. 6 accesses/day for gravity set applications. ICD's readiness compliance.

1. New England Journal of Medicine, Vol. 335, No. 15, October 10, 1996
2. Nursing Management, Vol. 23, No. 10, October 1992

*Savino SR, Napolitano B. A Comparison Between Two Intermittent Intravenous Systems Without Needles. Journal of Intravenous Nursing, Vol. 17, No. 5, September/October 1994.

CHAL00227

By *reducing the need
for Caps, Cannulas and
Add-On Components*, the SmartSite™

needleless system can reduce your needleless costs. Because of increasing
concerns about latex intolerance, the SmartSite system is designed to be
completely *latex-free*. The SmartSite system is a fully-integrated needleless
system offering a complete range of IV set configurations. It can help you *increase compliance*
with needleless policies with fewer steps for caregivers. Here's the *bottom line*: the SmartSite system is your smartest choice
for *needleless standardization*.

SmartSite
The smart needleless choice.

Talk to the experts in
needleless IV systems.

Call 1-800-482-4822.



ALARIS

*Bringing Together the Best
of MED and IVAC*

Source of disposables pricing: IHS America Ltd. LifesShield registered trademark of Abbott Laboratories; Clave registered trademark of ICU Medical Inc.; Safeline trademark of McGraw Inc.; Intellink registered trademark of Alaris Healthcare; Safeline registered trademark of B. Braun Inc.

CHAL00228



CHAL00229



WORLDWIDE HEADQUARTERS
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SAN DIEGO, CALIFORNIA 92121-2733

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PERMIT 751

CHAL00230

Stick With Us And You Won't Get Stuck. Complete this card and we'll send you a free sample kit with the SmartSite™ system's smartest components. For more information on the SmartSite system, talk to the experts in needleless IV systems. Contact your ALARIS Medical Systems representative or call direct at 1-800-482-4822.

☐ **YES! PLEASE SEND ME A FREE SAMPLE KIT**

☐ HOSPITAL ☐ HOME CARE ☐ LONG TERM CARE ☐ AMBULATORY SURGERY

NAME _____ TITLE _____

HEALTHCARE FACILITY _____

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NO POSTAGE
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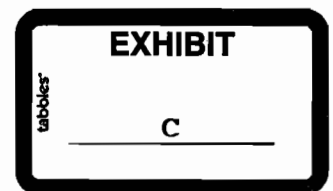
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Marketing Department
ALARIS MEDICAL SYSTEMS, INC.
10221 Wateridge Cir
San Diego, CA 92121-9899



Medley Launch Plan



CHAL01532

Attorneys Eyes Only

Sales Support Materials

- Product Brochure
- Product Video
- PC based Competitive Comparison Matrix
- Price list
- Company catalog
- Gemini set catalog
- Wall poster
- Product folder
- Product samples
- White papers

Overall Timelines

Product Brochure

- Objective: Support product positioning, provide detailed information about Orion, support sales presentations
- Design: Full color, 8-12 page format
- Message: Comprehensive presentation of Orion design and associated benefits
- Timing: Available February/00
- Budget: \$50k

Technology Brochure

Safety Brochure

Orion Video

- Objective: Provide a dynamic and dramatic presentation of Orion in action demonstrating product benefits
- Design: Documentary style, filmed at Beta sites
- Message: Flexibility, ease of use, enhanced safety, clinical efficacy, cost effectiveness
- Timing: Available at product launch
- Budget: \$75k

Competitive Comparison Matrix

- PC based
- Allows user to select any target audience
 - Nursing
 - Biomed
 - Pharmacy
 - Anesthesiology
 - CFO
- Features are sorted based on target audience
- Compares Orion to any competitive product
- Budget: Internally developed

White papers

- Institutional Profiles
 - Profiles of each Beta site
 - Documents cost savings, asset management improvements, clinical process improvements and safety enhancements
- Patient Case Studies (6)
 - Profiles six specific patient cases
 - Documents Orion contribution to each case
 - Details how various features were used during the case
 - Documents outcome improvements, nursing productivity gains
- Budget: \$25k

Product Samples

• 1 APM	\$1,200
• 4 LVPs	\$3,600
• Syringe module prototype	\$1,000
• PCA module prototype	\$1,000
• IMS demo	No cost
• RAPID user interface demo	No cost
• Custom detail/carrying case	\$300

Additional Support Materials

• Price list	\$1,000
• Company catalog	\$2,500
• Gemini set catalog	\$10,000
• Wall poster	\$5,000
• Product folder	\$7,500

Travel Expenses

Orion Corporate Visit Program

Orion National Tour Program

Orion Hospital Room 2010

Orion Professional Relations

- De facto standard

Orion Clinical Advisory Panel

Advertising Agency